



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

### *PIEDMONT REGIONAL OFFICE*

*4949A Cox Road, Glen Allen, Virginia 23060*

*(804) 527-5020 Fax (804) 527-5106*

*www.deq.virginia.gov*

Travis A. Voyles  
Acting Secretary of Natural  
Resources

Michael S. Rolband, PE,  
PWD, PWS Emeritus  
Director

(804) 698-4000  
1-800-592-5482

## **STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO**

**Harvey Oil, Inc., Hurst d/b/a Get & Zip  
For**

**Development at Main Street and Wiggins (37.7047 / -76.3786)  
in Kilmarnock, Virginia  
Permit No. VAR10M898**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 62.1-44.15, 62.1-44.15:25, and 62.1-44.15:48, between the State Water Control Board and Harvey Oil, Inc., Hurst d/b/a Get & Zip (hereinafter referred to collectively as "Harvey Oil") regarding the development located at the corner of Main Street and Wiggins Avenue in Kilmarnock, Virginia (37.7047 / -76.3786) ("Site") for the purpose of resolving certain violations of State Water Control Law and the applicable regulations.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters."
2. "2019 Permit" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, No. VAR10, promulgated at 9 VAC 25-880-70, which was issued

under the State Water Control Law, the VSMP Regulations, and the General Permit Regulation on July 1, 2014 and which expires on June 30, 2019.

3. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
4. "Construction activity" means any clearing, grading or excavation resulting in land disturbance of equal to or greater than one acre, or disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. "Discharge of a pollutant" means any addition of any pollutant or combination of pollutants to surface waters from any point source; or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
8. "General Permit Regulation" means the General VPDES Permit for Discharges of Stormwater from Construction Activities, 9 VAC 25-880-1 *et seq.*
9. "Harvey Oil, Inc., Hurst d/b/a Get & Zip" is a business entity registered in the Commonwealth of Virginia. Harvey Oil is a "person" within the meaning of Va. Code § 62.1-44.3.
10. "Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation, except that the term shall not include those exemptions specified in Va. Code § 62.1-44.15:34.
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
12. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
13. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. . . ." 9 VAC 25-870-10.

14. "Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters: (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that (a) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution." Va. Code § 62.1-44.3.
15. "Property" or "Site" means the tract of land in Kilmarnock, Virginia located at the corner of Main Street and Wiggins Avenue (37.7047 / -76.3786) from which discharges of stormwater associated with construction activity occurred.
16. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
17. "Registration Statement" means a registration statement for coverage under the 2019 Permit.
18. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
19. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
20. "Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways, and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage. Va. Code § 62.1-44.15:24.
21. "Stormwater management plan" means a document or series of documents containing material describing methods for complying with the requirements of a VSMP or the VSMP Regulations. 9 VAC 25-870-10.
22. "SWPPP" means Stormwater Pollution Prevention Plan, which is a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under a VSMP for construction activities shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of an approved erosion and sediment control



plan, an approved stormwater management plan, and a pollution prevention plan. 9 VAC 25-870-10.

23. "Va. Code" means the Code of Virginia (1950), as amended.
24. "VAC" means the Virginia Administrative Code.
25. "VESCP" or "Virginia Erosion and Sediment Control Program" means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement where authorized.
26. "VESCP authority" means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 62.1-44.15.2-5102.
27. "Virginia Stormwater Management Act" means Article 2.3 (§ 62.1-44.15:24 *et seq.*) of Chapter 3.1 of Title 62.1 of the Va. Code.
28. "VPDES" means Virginia Pollutant Discharge Elimination System.
29. "VSMP" means the Virginia Stormwater Management Program, which is a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations. Va. Code § 62.1-44.15:24.
30. "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a VSMP or, until such approval is given, the Department. An authority may include a locality; state entity, including the Department; federal entity; or for linear projects subject annual standards and specifications in accordance with subsection B of § 62.1-44.15-31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. Va. Code § 62.1-44.15:24.



31. “VSMP Regulations” means the Virginia Stormwater Management Program (VSMP) Regulations, 9 VAC 25-870-10 *et seq.*

**SECTION C: Findings of Fact and Conclusions of Law**

1. Harvey Oil is the owner of the Site from which stormwater associated with construction activity was discharged.
2. DEQ is the VSMP authority for the Property.
3. On February 7, 2020, DEQ granted coverage to Harvey Oil under the 2019 General VPDES Permit for Discharge of Stormwater associated with Construction Activities (“Permit”) for a 2.27 acre development in Kilmarnock, Virginia, assigning it registration number VAR10M898.
4. The receiving water is the Dymer Creek, Un-named Tributary (“UT”) and Indian Creek, UT– Chesapeake Bay Small Coastal waters. During the 2020 305(b)/303(d) Integrated Water Quality Assessment, the tributaries were not assessed for any designated use and are considered Category 3A waterbodies. The Chesapeake Bay Total Maximum Daily Load (“TMDL”) was approved by the U.S. Environmental Protection Agency (“EPA”) on December 29, 2010. The TMDL allocates loads for total nitrogen, total phosphorus, and total suspended solids to protect the dissolved oxygen and SAV criteria in the Chesapeake Bay and its tidal tributaries. The TMDL Watershed Implementation Plan requires that construction stormwater activities be regulated. The project is located within the study area for the Indian, Tabbs, Dymer, and Antipoison Creeks Shellfish TMDL. The TMDL was approved by the EPA on April 8, 2009, and by the Virginia State Water Control Board on July 27, 2009. The permit was not addressed in the TMDL. The tributaries are considered Tier 1 waters because of their ephemeral natures.
5. The receiving water is a surface water located wholly within the Commonwealth and is a “state water” under the State Water Control Law. There are no reported impacts to state waters.
6. On September 7, 2021, DEQ staff conducted an inspection of the Site, making the following observations.
7. During the September 7, 2021 inspection, Harvey Oil did not: a) have a permit notice of coverage; b) identify qualified personnel for inspections; c) identify staff with delegated authority; d) identify staff responsible for implementing pollution prevention practices; e) maintain SWPPP amendments documenting changes to site design, operation or maintenance; f) maintain SWPPP amendments documenting changes to implementation methods; g) maintain SWPPP updates for corrective actions taken; h) maintain regular inspection reports in the SWPPP; and h) include a Stormwater Management (“SWM”) plan approved by the VSMP Authority.

9 VAC 25-870-54(A) states, “A stormwater pollution prevention plan (SWPPP) shall include, but not be limited to, an approved erosion and sediment control plan, an approved

stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection E of this section.”

9 VAC 25-870-54(C) states, "A stormwater management plan consistent with the requirements of the Virginia Stormwater Management Act and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the VSMP authority."

9 VAC 25-870-54(G) states, “The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.”

Permit Part II(B)(1)(a)-(b) requires in part, “A signed copy of the registration statement, if required, for coverage under the general VPDES permit for discharges of stormwater from construction activities; (b) Upon receipt, a copy of the notice of coverage under the general VPDES permit for discharges of stormwater from construction activities (i.e., notice of coverage letter).”

Permit Part II(B)(3)-(4) requires in part, “The SWPPP shall include the following items . . . a stormwater management plan approved by the VSMP authority as authorized under the Virginia Stormwater Management Program (VSMP) Regulation (9VAC25- 870) . . . A pollution prevention plan that addresses potential pollutant-generating activities that may reasonably be expected to affect the quality of stormwater discharges from the construction activity, including any support activity. The pollution prevention plan shall . . . Describe the location where the potential pollutant generating activities will occur, or if identified on the site plan, reference the site plan; . . . Identify the person responsible for implementing the pollution prevention practice or practices for each pollutant-generating activity (if other than the person listed as the qualified personnel).

Permit Part II(B)(8)-(9) requires in part, “The name, phone number, and qualifications of the qualified personnel conducting inspections required by this general permit . . . [Identification of] the individuals or positions with delegated authority, in accordance with Part III K, to sign inspection reports or modify the SWPPP.”

Permit Part II(C)(4)(a)-(b) requires in part, “The operator shall update the SWPPP as soon as possible but not later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include the following items: a. A record of dates when: (1) Major grading activities occur; (2) Construction activities temporarily or permanently cease on a portion of the site; and (3) Stabilization measures are initiated . . . The operator shall update the SWPPP as soon as possible but no later than seven days following any modification to its implementation. All modifications or updates to the SWPPP shall be noted and shall include . . . documentation of replaced

or modified controls where periodic inspections or other information have indicated that the controls have been used inappropriately or incorrectly and were modified.”

8. During the September 7, 2021 inspection, an approved E&S Control (“ESC”) Plan was not made part of the SWPPP.

9 VAC 25-870-54(A) *supra* at para. 7.

9 VAC 25-870-54(B) states, “An erosion and sediment control plan consistent with the requirements of the Virginia Erosion and Sediment Control Law and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by either the VESCP authority or the department in accordance with the Virginia Erosion and Sediment Control Law and attendant regulations.”

Permit Part II(B)(2)(a) states in part, “The SWPPP shall include the following items . . . An erosion and sediment control plan designed and approved in accordance with the Virginia Erosion and Sediment Control Regulations (9VAC25-840).”

9. During the September 7, 2021 inspection, a SWPPP was not posted at entrance of Site.

9 VAC 25-870-54(G) *supra* at para. 7.

Permit Part II(E)(2) states in part, “. . . If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location shall be posted near the main entrance of the construction site . . . The operator shall make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP shall be posted and maintained in accordance with Part II D.”

10. During the September 7, 2021 inspection, Harvey Oil did not: a) contain an operating area used to manage on-site concrete wash-out activities; b) complete temporary sediment trap and diversion in advance of upslope land disturbance; c) follow the ESC Plan for installation of a temporary stockpile (southeast corner), an HDPE corrugated outlet pipe, and a temporary diversion ditch; d) stabilize and contain a stockpile (northwest corner); e) install inlet/outlet protection for a culvert pipe at Wiggins Avenue; f) stabilize a conveyance channel on the south side of the site construction entrance; g) maintain silt fence down slope of the sediment trap outfall area; and i) stabilize the sediment trap embankment.

9VAC25-870-54(B) *supra* at para. 8.

9 VAC 25-840-40(2) – (5), (10) & (11) state in part, “. . . (2) During construction of the project, soil stock piles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site. (3) A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, mature



enough to survive and will inhibit erosion. (4) Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place. (5) Stabilization measures shall be applied to earthen structures such as dams, dikes and diversions immediately after installation. problem is corrected . . . (10) All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment. (11) Before newly constructed stormwater conveyance channels or pipes are made operational, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.”

9VAC25-840-60(A) states, “All erosion and sediment control structures and systems shall be maintained, inspected and repaired as needed to insure continued performance of their intended function. A statement describing the maintenance responsibilities of the permittee shall be included in the approved erosion and sediment control plan.”

Permit Part II(B)(4)(e)(5) requires in part, “Direct concrete wash water into a leak-proof container or leak-proof settling basin. The container or basin shall be designed so that no overflows can occur due to inadequate sizing or precipitation . . .”

Permit Part II(F)(1) states in part, “All control measures shall be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications . . .”

11. A subsequent inspection was conducted by DEQ staff on December 6, 2021. Observations from the inspection that were identified as continuing violations were incorporated into the enforcement action to promote compliance. The violations are identified below.
12. During the December 6, 2021 inspection, Harvey Oil did not maintain a complete SWPPP on site, including failure to: a) identify staff responsible for implementing pollution prevention practices; b) make SWPPP updates for corrective actions taken; and c) include regular inspection reports in the SWPPP.

Permit Part II(B)(3)-(4) *supra* at para. 7.

Permit Part II(B)(8)-(9) *supra* at para. 7.

Permit Part II(C)(4)(a)-(b) *supra* at para. 7.

13. During the December 6, 2021 inspection, Harvey Oil did not: a) establish permanent vegetative cover to denuded areas throughout the site; b) stabilize the area between the parking lot and the pre-treatment fore-bay to the bio-retention bed BMP No. 2; c) stabilize the area from the level spreader toward the northwest end of BMP No. 2; d) stabilize the stormwater conveyance channel west of the entrance from Wiggins Avenue; and e) stabilize the conveyance channel for BMP No. 1.

9 VAC 25-840-40(2) – (5), (10) & (11) *supra* at para. 10.

9VAC25-840-60(A) *supra* at para. 10.

Permit Part II(F)(1) *supra* at para. 10.

14. On November 1, 2021, DEQ issued Notice of Violation No. 2021-10-PRO-203 to Harvey Oil for land disturbing activities observed during the September 7, 2021 inspection. Harvey Oil was provided constructive notice by inspection reporting of the violations observed during the December 6, 2021 inspection.
15. On January 17, 2022, Harvey Oil forwarded correspondence and associated imagery indicating construction at the Site is complete and corrective action was taken to move the Site into compliance. Harvey Oil intends to seek termination of the Permit upon the establishment of permanent vegetative cover of the site in the spring 2022 growing season.
16. Based on the results of DEQ inspections occurring on September 7, 2021 and December 6, 2021, the Board concludes that Harvey Oil violated 9 VAC 25-870-54 (A, B, C & G); 9 VAC 25-840-40(2) – (5), (10) & (11); and 9 VAC 25-840-60(A) and the Permit as described above.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Harvey Oil and Harvey Oil agrees to:

1. Pay a civil charge of **\$4,950.00** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Harvey Oil shall include its Federal Employer Identification Number (FEIN) with the civil charge payment. Harvey Oil shall indicate that the payment is being made in accordance with the

requirements of this Order for deposit into the Virginia Stormwater Management Fund. If the Department has to refer collection of moneys due under this Order to the Department of Law, Harvey Oil shall be liable for attorneys' fees of 30% of the amount outstanding.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Harvey Oil and for good cause shown by Harvey Oil, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Harvey Oil admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Harvey Oil consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Harvey Oil declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Harvey Oil to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Harvey Oil shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Harvey Oil shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Harvey Oil shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may



delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;  
and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Harvey Oil. Nevertheless, Harvey Oil agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Harvey Oil has completed all of the requirements of the Order;
  - b. Harvey Oil petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Harvey Oil.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Harvey Oil from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Harvey Oil and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of Harvey Oil certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind Harvey Oil to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official or officer of Harvey Oil.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Harvey Oil voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 7<sup>th</sup> day of June, 2022.

*James J. Golden* *Pursuant to authority*  
*delegat 03242022*  
For/ James J. Golden, Regional Director  
Virginia Department of Environmental Quality  
Piedmont Regional Office

------(Remainder of Page Intentionally Blank)-----

Harvey Oil, Inc. voluntarily agrees to the issuance of this Order.

Date: 4-15-22 By: Melinda Lewis, owner  
 \_\_\_\_\_  
 Signing Official Owner / Principal

Commonwealth of Virginia

City/County of Lancaster

The foregoing document was signed and acknowledged before me this 15<sup>th</sup> day of

April, 2022, by Melinda C. Lewis who is  
President of Harvey Oil, Inc. on behalf of the company.

Emily Hayde  
Notary Public

7881439

Registration No.

My commission expires: 12/31/2024

Notary seal:





